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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/051,070 04/02/98 APPLEBY

S 36-1201

TM02/1024

EXAMINER

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PHAN, T

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

10/24/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 09/051,070	Applicant(s) Appleby, Stephen
Examiner Thai Phan	Art Unit 2123

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Aug. 27, 2001

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-16 and 20-29 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 and 20-29 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20)  Other: \_\_\_\_\_

## DETAILED ACTION

This Office Action is responsive to a CPA of the related patent application 09/051,070.

Claims 17-19 are canceled. Claims 1-16, and 20-29 are pending in this official action

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-16 and 20-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujisawa et al., patent no. 6,182,062 B1.

As per claim 1, Fujisawa anticipated a computerized method and computer system or an interactive dialogue system independent of any particular application language (Abstract) for training a user to engage in transaction with another person arranged to simulate. According to Fujisawa, the method and system includes means for outputting message to a user, means for receiving input from the user (Fig. 1, col. 10, line 50 to col. 11, line 43), means for analyzing lexical structure (col. 11), means for storing rules specifying grammatically allowable relationships of words input (cols. 11, 12, col. 15, lines 47-63, for example), a central dialogue processor or Figs. 1, 2, col. 13, lines 24-31, for example, of the present patent which includes lexical rules to recognize and handle the occurrence of words or spoken language through the input devices,

contained in the lexical rules stored in the relationships specified by rules in accordance with the data specified in the transaction, objects, object attributes, etc. in the database of the system, a transaction store containing data relating to allowable transactions between users interaction (col. 12, lines 27-54, col. 14, lines 25- 46, Fig. 1) and independence upon recognition, to generate output dialogue in the most recent or current to meet real time requirement (col. 3, lines 1-20) when correct dialogue has been recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (cols. 19-22).

As per claim 2, due to the similarity of claim 2 to claim 1, and Fujisawa additionally anticipated a plurality of lexical rules for known natural languages conversation such as English, Japanese, etc., and relationships of these rules for conversation (col. 2, lines 56-67, col. 5, lines 9 to col. 13, line 14, for example).

As per claim 3, Fujisawa disclosed words agreement such as number, genders, etc.

As per claims 4-5, Fujisawa disclosed dialogue recognition (cols. 9-11) based on such as semantic grammar rules, syntactic structures, lexicons, etc. It would include detect recognized errors as claimed

As per claim 6, Fujisawa anticipated language training including different target languages.

As per claims 7-11, Fujisawa anticipated the system for use to recognize text, speech, voice, other peripheral device inputs for user dialogue, etc.

As per claim 12, Fujisawa anticipated interactively interface for user which would include speech synthesizer as claimed. Further, speech synthesizer is well-known in the art for user interactive (see Morin)

As per claims 13-15, Fujisawa disclosed user interface (Figs. 1-4), including, a computer, display, input means and graphic user interface.

As per claim 16, Fujisawa disclosed communication channel connected dialogue server remotely.

As per claim 20, Fujisawa dialogue recognition would include characters, numbers, etc. as claimed.

As per claims 21-23, Fujisawa disclosed lexical rules of syntax, grammars, etc. which would include inflection rules as claimed.

As per claim 24-27 and 28-29, due to the similarity of claims 24-27 and 28-29 to claims 1-16, claims 24-27 and 28-29 are thus rejected under the same rationale as set forth.

#### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al., patent 5,510,981, issued on Apr. 23, 1996, or under 35 U.S.C. 102(e) as anticipated by Carbonell et al., patent no. 6,163,785.

As per claims 1, 2, 28-29, Berger and Carbonell anticipated the claimed invention. The Berger and Carbonell system comprises a processor arranged to accept input dialogue in a target language, to detect syntactically recognized errors in the input dialogue by using lexical rules, to generate responsive output in output buffer for users' dialogue in the target language, and to generate recognized errors in separate indication as claimed.

***Response to Arguments***

4. Applicant's arguments to the claims have been fully considered but they are moot in view of the new ground of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications; please mark "EXPEDITED PROCEDURE"),

**Or:**

(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

October 19, 2001



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER